THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 13662 OF 2006

Date: 06.07.2006

Between:

Smt. G. Sharada & another

.... Petitioners

and

Project Director, Outer Ring Road &
Special Collector (L.A.),
Hyderabad Urban Development Authority,
Hyderabad & another

.... Respondents

O R D E R :

Heard learned counsel for the petitioners and learned counsel for the respondents.

There is a consensus on the legal principle involved in this writ petition. The petitioners claim to be the owners of land in Survey No.583 of Dundigal Village, Qutbullapur Mandal, Rangareddy District. The first respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') on 21.04.2005 proposing acquisition of the lands specified in the notification for the formation of Outer Ring Road. The extent of land of the petitioners in Survey No.583 thus proposed for acquisition is Ac.5.30 guntas. Subsequently, draft declaration under Section 6 of the Act was issued on 01.05.2006 which enlarged the purpose from that mentioned in the notification under Section 4(1). The additional purpose mentioned is, apart from the formation of the Outer Ring Road, also for a junction at Dundigal Village. The extent of the land of the petitioners in Survey No.583 is also mentioned to be an extent of Ac.8.09 guntas as against the extent of Ac.5.30 guntas mentioned in Section 4(1) notification. This is challenged in the writ petition on several grounds.

Notice calling upon the petitioners to submit their objections to a proposal to conduct enquiry under Section 5-A was issued and thereafter the draft declaration under Section 6 was issued on 01.05.2006.

As the purpose for acquisition mentioned in the notification under Section 4(1) of the Act dated 21.04.2005 is only for the Outer Ring Road, there being no mention of a junction in Dundigal village involved and as the draft declaration under Section 6 enumerates a larger purpose namely the junction at Dundigal village and as the extent is also higher namely Ac.8.09 guntas as against Ac.5.30 guntas, the draft declaration under Section 6 dated 01.05.2006 is invalid to the extent the declaration under Section 6

of the Act is in excess of the extent mentioned in the notification under Section 4(1) dated 21.04.2005 namely Ac.5.30 guntas. The draft declaration issued by the first respondent bearing reference No.D/ORR/134/05, dated 01.05.2006 insofar as the petitioners are concerned is *pro tanto* and to the extent it is in excess of the extent mentioned in Section 4(1) of the Act, is declared invalid. The draft declaration shall be valid only to the extent of Ac.5.30 guntas.

The writ petition is disposed of in the manner indicated above, at the stage of admission and after hearing counsel for the respective parties.

06.07.2006

ksld